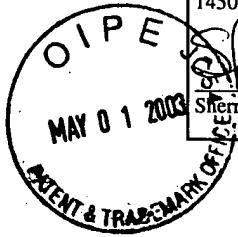


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Sherri Sitzmann
Sherri Sitzmann

PATENTS
ATTORNEY DOCKET NO. 56.0609CIP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1/8/a
5/6/03
✓

In re Application of:
Bernhard Lungwitz et al.

Application Serial No.: 09/918,264

Filed: July 30, 2001

For: Viscoelastic Surfactant Fluids
Stable at High Brine
Concentrations

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

§ Attorney Docket No: 56.0609CIP

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Group Art Unit: 1712

Examiner: Tucker, P.

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RESPONSE TO FIRST OFFICE ACTION DATED FEBRUARY 4, 2003

Sir:

An Office Action was mailed on February 4, 2003 from the Patent and Trademark Office. Claims 1 to 21 are pending. Claims 1-11, 13-16 and 18-19 were rejected under 35 U.S.C. 112, second paragraph. Claims 1, 2, 4-9 and 11 were further rejected under 35 U.S.C. 103(a) over Dahayanake. Claims 17, 20 and 21 were objected as being dependent upon rejected claims but otherwise allowable.

In the Claims

Please delete claims 2 and 3 and amend claims 1, 7, 10, 12 and 16 as shown in the attached set of claims. Claim 1 was rewritten to now include the features of original claim 3, hence the amendment of claim 3. The first paragraph was also amended to overcome the 35 USC §112, 2nd paragraph objection.

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Claim 7 was rewritten to correct its improper dependence.

Claim 10 was rewritten as an independent claim and the typo in claim 16 was corrected.

The revised set of claims further comprise new claims 22 to 30, based on original claims 1 to 9 but limited to brines having a density of at least 12.5 ppg.

Rejection of claims under 35 USC §112- 2nd paragraph

It is believed that the amendment proposed above overcome all rejections re. 35 USC §112..

Rejection of claims under 35 USC §103(a)

Claim 1 has been limited to the specific types of co-surfactants of original claim 3, and therefore is no more subject to the rejection under 35 USC §103(a). Claim 2 is deleted. Claims 4-9 and 11 are all directly or indirectly dependent upon revised claim 1.


As to newly added claims 22 to 30, it is respectfully submitted that Dahayanake fails to suggest any fluid whose salt concentration would be over 30% (and actually recommend fluid having a brine concentration of less than 10%). As shown in the following table, with the salts listed by Dahayanake, the heaviest disclosed brine would have a concentration below 10ppg and the heaviest suggested brine would be slightly over 12 ppg. It is therefore believed that the compositions claimed in added claims 22 to 30 are new and non-obvious.

| Salt | 30% | 10% |
|--------------------|---------|--------|
| KCl | 10.9ppg | 8.9ppg |
| NH ₄ Cl | 9.4ppg | 8.6ppg |
| CaCl ₂ | 11.9ppg | 9.1ppg |
| CaBr ₂ | 12.1ppg | 9.2ppg |
| ZnCl ₂ | 12.2ppg | 9.2ppg |

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that no additional fee is due for this application. However, the Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56.0609CIP).

Respectfully submitted,



Catherine Menes
Agent for Applicant
Limited Recognition

Date: April 28, 2003
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